

**Enclosure: EPA comments on the proposed initial title V permit for the Lunday-Thagard Company refinery (Facility ID 800080)**

**1. NOV / Compliance information**

- a) Please ensure that any compliance issues including NOVs, variances and stipulated orders of abatement are identified and described in the statement of basis and that the discussion is up to date at the time of permit issuance. For example, in discussing Hearing Board Case No. 2033-10A, the District states that a hearing is planned for May 19 and that testing is required by June 30. In addition, as previously discussed, for each outstanding or unresolved compliance issue the permit should include requirements consistent with Rule 3004(a)(10)(C).
- b) The statement of basis indicates that the SOA granted on October 21, 2004 for Hearing Board Case Number 2033-10A has been modified and extended at least nine times and that multiple NOVs have been issued for compliance issues with device C97 in the past few years. Multiple extensions of variances and repeated NOVs may be an indication that Lunday-Thagard is not adequately resolving its compliance problems. Please be advised that in 2004 Our Children's Earth Foundation petitioned EPA to object to issuance of the Tesoro Refinery title V permit by the Bay Area Air Quality Management District. In response to this petition, EPA recognized that when determining whether a compliance schedule is necessary for ongoing or repeat violations at a particular emission unit it may be reasonable for a permitting authority to consider whether the cause has not been adequately remedied through the District's enforcement actions.

**2. Incinerators C97 and C105**

- a) Please provide an applicability determination for whether or not incinerators C97 and C105 are subject to NSPS J or Ja. If they are subject to the NSPS, include the appropriate emission limits, monitoring and testing requirements in the permit. If these units are not subject to NSPS J, please include this information in the statement of basis.
- b) Conditions C12.1 and C12.2 list H<sub>2</sub>S monitoring requirements for incinerator C97. Please clarify the status of the facility's compliance with these requirements.
- c) Please clarify the rationale in the differences between source test requirements for C105 in condition D28.4 (page D-37) and C97 in conditions D28.5 (page H-42), D29.3 and D323.1 (pages H-45-47). Please include a description of how certain parameters such as testing frequency or operating conditions during testing are determined.
- d) According to the Statement of Basis, there are two outstanding AMP requests currently under EPA review for NSPS Subpart J requirements for C97 and C105. Please certify how NSPS J requirements for H<sub>2</sub>S monitoring for these incinerators are currently being met.

### **3. Level of detail for source test requirements**

- a) Conditions D28.1, D28.4, D332.1, D28.2, D28.5, D29.1, D29.2, and D29.3 require the permittee to conduct source tests for various pollutants. In each case that is listed, the permit is not specific about one or more of the following: the required test method, averaging period, or test location. The District should add these details to the listed conditions and all other conditions which require source tests.
- b) Please clarify the source test requirements for D19 and D20, and which requirements in sections D and H are currently applicable to the source.